

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0119

HOUSE BILL NO. 1052

Introduced by: The Committee on Health and Human Services at the request of the
Department of Health

1 FOR AN ACT ENTITLED, An Act to define an inpatient hospice and residential hospice as a
2 health care facility.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 34-12-1.1 be amended to read as follows:

5 34-12-1.1. Terms used in this chapter mean:

- 6 (1) "Ambulatory surgery center," any facility which is not part of a hospital and which
7 is not an office of a dentist, whether for individual or group practice, in which
8 surgical procedures requiring the use of general anesthesia are performed upon
9 patients;
- 10 (2) "Assisted living center," any institution, rest home, boarding home, place, building,
11 or agency which is maintained and operated to provide personal care and services
12 which meet some need beyond basic provision of food, shelter, and laundry in a free-
13 standing, physically separate facility which is not otherwise required to be licensed
14 under this chapter;
- 15 (3) "Chemical dependency treatment facility," any facility which provides a structured



1 inpatient treatment program for alcoholism or drug abuse;

2 (4) "Health care facility," any institution, sanitarium, maternity home, ambulatory
3 surgery center, chemical dependency treatment facility, hospital, nursing facility,
4 assisted living center, rural primary care hospital, adult foster care home, inpatient
5 hospice, residential hospice, place, building, or agency in which any accommodation
6 is maintained, furnished, or offered for the hospitalization, nursing care, or
7 supervised care of the sick or injured;

8 (5) "Hospital," any establishment with an organized medical staff with permanent
9 facilities that include inpatient beds and is primarily engaged in providing by or
10 under the supervision of physicians, to inpatients, any of the following services:
11 diagnostic or therapeutic services for the medical diagnosis, treatment, or care of
12 injured, disabled, or sick persons; obstetrical services including the care of the
13 newborn; or rehabilitation services for injured, disabled, or sick persons. In no event
14 may the inpatient beds include nursing facility beds or assisted living center beds
15 unless the same are licensed as such pursuant to this chapter;

16 (6) "Maternity home," any institution, place, building, or agency in which, within a
17 period of six months, more than one woman, during pregnancy, or during or after
18 delivery, except women related by blood or marriage, are kept for care or treatment;
19 or which has in its custody or control at any one time, two or more infants under the
20 age of two years, unattended by parents or guardians, for the purpose of providing
21 them with care, food, and lodging, except infants related to the one having such
22 custody or control by blood or marriage;

23 (7) "Nursing facility," any facility which is maintained and operated for the express or
24 implied purpose of providing care to one or more persons whether for consideration

1 or not, who are not acutely ill but require nursing care and related medical services
2 of such complexity as to require professional nursing care under the direction of a
3 physician on a twenty-four hour per day basis; or a facility which is maintained and
4 operated for the express or implied purpose of providing care to one or more persons,
5 whether for consideration or not, who do not require the degree of care and treatment
6 which a hospital is designed to provide, but who because of their mental or physical
7 condition require medical care and health services which can be made available to
8 them only through institutional facilities;

9 (8) "Critical access hospital," any nonprofit or public hospital providing emergency care
10 on a twenty-four hour basis located in a rural area which has limited acute inpatient
11 services, focusing on primary and preventive care, and which has in effect an
12 agreement with a general hospital that provides emergency and medical backup
13 services and accepts patient referrals from the critical access hospital. For the
14 purposes of this subdivision, a rural area is any municipality of under fifty thousand
15 population; ~~and~~

16 (9) "Adult foster care home," a family-style residence which provides supervision of
17 personal care, health services, and household services for no more than four aged,
18 blind, physically disabled, developmentally disabled, or socially-emotionally disabled
19 adults;

20 (10) "Inpatient hospice," any facility which is not part of a hospital or nursing home which
21 is maintained and operated for the express or implied purpose of providing all levels
22 of hospice care to terminally ill individuals on a twenty-four hour per day basis; and

23 (11) "Residential hospice," any facility which is not part of a hospital or nursing home
24 which is maintained and operated for the express or implied purpose of providing

1 custodial care to terminally ill individuals on a twenty-four hour per day basis.